

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAWRENCE PILLOW,

Plaintiff,

Case No. 20-CV-11360

vs.

HON. GEORGE CARAM STEEH

JOSHUA HENRY, et al,

Defendants.

_____ /

ORDER DENYING DEFENDANT HENRY'S
MOTION TO DISMISS AS MOOT [ECF No. 6]

This matter is before the court on defendant Joshua Henry's motion to dismiss under Fed R. Civ. P. 12(b)(6) which was filed on June 18, 2020 [ECF No. 6]. Plaintiff Lawrence Pillow filed an amended complaint on June 30, 2020, in which he clarified his claims and added two defendants [ECF No. 10].

Federal Rule of Civil Procedure 15(a)(1)(B) provides that a plaintiff may amend his or her complaint as a matter of course and without leave of court within twenty-one days after service of a motion under Rule 12(b). Given that plaintiff filed his amended complaint within twenty-one days after

Henry's filing, the amended complaint supersedes the previous complaint and controls the case. *Calhoun v. Bergh*, 769 F.3d 409, 410 (6th Cir. 2014). Therefore, the court denies defendant Henry's motion to dismiss as moot.

So ordered.

Dated: July 16, 2020

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 16, 2020, by electronic and/or ordinary mail.

s/Brianna Sauve
Deputy Clerk